

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 9830 of 2007(T)

PETITIONER:

**K.VALSALA, SPECIAL DEPUTY TAHSILDAR,
COLLECTORATE, CIVIL STATION P.O., KOZHIKODE.**

**BY ADV. SRI.K.BABU THOMAS
SMT.MARYKUTTY BABU**

RESPONDENTS:

- 1. STATE OF KERALA, REP. BY THE CHIEF
SECRETARY TO THE GOVERNMENT,
SECRETARIAT, TRIVANDRUM.**
- 2. SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
TRIVANDRUM.**
- 3. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE, TRIVANDRUM.**
- 4. THE DISTRICT COLLECTOR,
COLLECTORATE, KOZHIKODE.**

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.K.DENESAN, J.

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WP(C).No.9830 OF 2007-T.
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Dated this the 28th day of March, 2007.

J U D G M E N T

The petitioner commenced service on 1-8-1977. The date of birth of the petitioner was immediately entered in the service records as 1-6-1952. Long thereafter, the petitioner filed an application before the Commissioner for Government Examinations to correct the date of birth as entered in the SSLC Book. Corrections were made in the SSLC Book on 19-2-2000. Thereafter, application dated 28-7-2000 was filed to get the entry in the Service Book corrected. The request was to make corrections in tune with the corrected entries in the SSLC Book.

2. The Government is the competent authority to pass orders on requests made for correction of the entry relating to date of birth in the Service Book. The application filed by the petitioner was rejected by the Government on 31-8-2006 vide Ext.P10 order stating

that the request made by the petitioner was belated, that is to say, beyond the time permitted by Ext.P10(a) order - GO(P).No.45/91/P&ARD dtd.30th December, 1991.

3. It is not disputed that as long as Ext.P10(a) governs the field, the application filed on 28-7-2000 is belated. The time allowed as per Ext.P10(a) is one year from the date of that order. The petitioner ought to have filed the application before 30th December, 1992.

4. Counsel for the petitioner submits that the petitioner was able to file the application for correction of date of birth in the Service Book only after corrections were made in the SSLC Book. That may be so. But Ext.P10(a) does not provide for extending the time limit on any such ground. The petitioner has no case that the Government does not have the power to fix a time limit for entertaining applications for correction of date of birth entries in the Service Book. Ext.P10(a) order applies to all Government employees. It is true that the Government have issued orders inconsistent with Ext.P10(a) in individual

cases. But those orders are aberrations and the same will not stand the test of law. This Court will not direct the Government to do or omit to do any act which will result in perpetuation of illegality.

5. Counsel for the petitioner submits that since the petitioner has requested the Government to reconsider Ext.P12, direction may be issued to the Government to dispose of Ext.P12, as early as possible. I do not think that it would be proper exercise of the power to direct disposal of Ext.P12 which is not a statutory application. Such directions may be misunderstood as licence given by this Court to the Government to commit illegality.

Writ petition fails. It is, accordingly, dismissed.

K.K.DENESAN, JUDGE.

kvs/-